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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/920,168	08/01/2001	John Kelley	08556-15USPT	5298

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EXAMINER

NGUYEN, ANTHONY H

ART UNIT PAPER NUMBER

2854

DATE MAILED: 04/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/920,168	KELLEY, JOHN
	<b>Examiner</b>	<b>Art Unit</b>
	Anthony H Nguyen	2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 21 January 2003.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-23 is/are pending in the application.

4a) Of the above claim(s) 22 and 23 is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-21 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) <input type="checkbox"/> Other: _____ .

Applicant's election of Group I, claims 1-21 in Paper No. 3 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Accordingly, claims 22 and 23 are withdrawn from further consideration by the examiner, 37 C.F.R. § 1.142(b), as being drawn to a non-elected invention.

### *Claim Objections*

Claims 11-13 and 15 are objected to because there is no proper antecedent basis for "said cleaning fluid supply source" (claim 11, line 2, and claims 12,13 line 3), "said conduit valve means" (claim 15 line 2) and "said supply tube and said drain tube" (claim 15 lines 4 and 5).

### *Claim Rejections - 35 U.S.C. § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Clauditz (US 5,330,576).

Clauditz teaches a fluid system having a first fluid source 1 and a supply line 20 (Clauditz, Fig.1) for supplying a fluid to the press via a supply valve 41, second fluid source 2 and a second supply line for supplying fluid to the press via a supply valve 92 (Fig.4), a conduit 8 or a header 9 which communicates with the first and second supply

lines, a return line (no numeral reference) including a valve 39 and a conduit valve 130 (Fig.4) which control the flow of the first, second fluid to by pass the press.

### **Claim Rejections - 35 U.S.C. § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) a patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-15 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Clauditz (US 5,330,576) in view of Marschke (US 5,967,044).

With respect to claims 2,10 and 15, Clauditz teaches a fluid supply system having substantially the structure as recited. See the explanation of Clauditz above. Clauditz does not teach the programmable logic controller for actuating the valves to control fluid flow through the fluid supply system. However, Marschke teaches a fluid supply system having a programmable system controller 13 for actuating valves 18 to control fluid flow in the system (Marschke, fig.1 and the paragraph bridging cols.3 and 4). In view of the teaching of Marschke, it would have been obvious to one of ordinary skill in the art to modify the fluid supply system of Clauditz by providing the controller as taught by Marschke for optimal control of supplying fluid in a fluid supply system.

With respect to claims 3 and 9, Clauditz teaches the pumps and the valves are controlled by a processor (Clauditz, col.9, seond paragraph), and Marschke teaches the pumps 16 which are connected to the supply lines 15 and the controller.

With respect to claims 5 and 6, Clauditz teaches that the level sensors may be coupled to a processor (Clauditz, col. 9 lines 15 and 16).

With respect to claims 7 and 8, the use of a non-contact level sensor is well known in the art.

With respect to claims 11-13, Clauditz teaches the use of heating elements 140, 142 and sensors for controlling the temperature of the fluids (Fig.2).

With respect to claim 14, there is no apparent unobvious in selecting a specific fluid that is reactive to ultra-violet light since the structure is the same for the recited fluid.

Claims 16-21 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Clauditz (US 5,330,576).

Clauditz teaches a fluid supply system having substantially the method of supplying fluid to a press as recited except the step of draining the first fluid from the press via the drain tube. See the explanation of Clauditz above. However, to one of ordinary skill in the art, it would have been obvious to drain one of the fluids in Clauditz for cleaning after draining the liquid mixture or for proper mixing the second fluid since the valve 38 and 39 can be independently actuated to control the first fluid or the second fluid to pass through (col. 7 lines 8-15).

### *Conclusion*

The patents to Kurz, Falck et al., Piccinino et al. and Gasparrini et al. are cited to show other structures and methods having obvious similarities to the claimed structure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Nguyen whose telephone number is (703) 308-2869.

Art Unit: 2854

The examiner can normally be reached daily from 9 AM to 5PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld, can be reached on (703) 305-6619. The fax phone number for this Group is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

*Anthony Nguyen*  
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4/4/03  
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